REMARKS

Claims 1-46 are pending and have been all rejected in this case. For clarity and to correct some minor errors, Applicant is amending various claims. Applicant is also correcting some typographical errors in the Specification. In view of the foregoing amendments and the following remarks, Applicant respectfully requests that the Examiner reconsider the Application.

Amendments to the Specification

Applicant has recognized some typographical errors in the Specification, and is correcting them. No new matter is being added.

Rejections under 35 U.S.C. § 103 (a)

In paragraph 4 of the aforementioned Office Action, the Examiner rejected claims 1-46 under 35 U.S.C. § 103 (a) as unpatentable over U.S. patent No. 5,887,139 to *Madison et al.* in view of U.S. patent No. 5,812,529 to *Czarnik.*

Regarding claim 1, the Examiner equated the claimed invention's "software program" and "downloadable unit" to *Madison's* "interface applications 32" and "the resource application 46," respectively. The Examiner then conceded that *Madison* does not explicitly teach "embedding the downloadable unit into the binary file," or *embedding the resource application 46 into the binary file of the interface application 32.* Applicant respectfully submits that this deficiency of *Madison* is not cured by the Examiner's use of *Czarnik.* The

cited passages from *Czarnik* recite "a Client need only store or be capable of looking up the URL for the mission server," and "[o]nce a connection with the server is made, the server supplies the mission definition software to the connected Client." Thus, *Czarnik's* cited passages do not teach or make obvious that *Madison's* interface program is compiled into *a binary form* and that the resource application is then embedded into this binary file.

The Examiner also equated the claimed invention's "loading the binary file with the embedded downloadable unit onto the network device" to *Madison's* "topology view window 58, shown in FIG. 4, is used to determine which network devices 16-22 will be managed by client device 12, (col.6, lines 12-14. Configure object button 68 is used to change specific parameters associated with the particular device, (col. 6, lines 17-19)." Applicant respectfully traverses. Continuing from the premise that the claimed invention's "software program" and "downloadable unit" are equivalent to *Madison's* "interface program 32" and "resource program 46," respectively, then "loading the binary file with the embedded downloadable unit onto the network device" must be equated to *loading the binary file (of the interface program 32) with the embedded resource program 46 onto the network.* However, *Madison's* cited passages (col. 6, lines 12-14 and col. 6, lines 17-19) do not disclose or make obvious a binary file or an embedded program within the binary file. Therefore, *Madison* cannot disclose or make obvious *loading the binary file of the interface program 32 with the embedded resource program 46 onto the network.*

Based on the above-discussed differences, claim 1 is patentably distinguishable from *Madison* and *Czarnik*, take either alone or in combination. Therefore, claim 1 is patentable.

In paragraphs 5-15 the Examiner rejected claims 2-12, respectively. Claims 2-12 depend either directly or indirectly from claim 1, and are therefore patentable for at least the same reasons as claim 1.

In paragraph 16 the Examiner rejected claim 13 on the same grounds as claim 1. For improved clarity, claim 13 is being amended and recites in relevant part: "a downloadable unit embedded in the software binary file, for managing the network device." As discussed above, this limitation is patentably distinguished from *Madison* and *Czarnik*, taken either alone or in combination. Therefore, claim 13 is patentable.

In paragraphs 16-19 the Examiner rejected claims 14-26. Claims 14-26, depending from claim 13, are patentable for at least the same reasons as claim 13.

In paragraph 19 regarding claim 27, the Examiner asserted "[a]s to **claim 27**, it is the means of managing a network device of **claim 1**, therefore it is rejected on [sic] the **claim 1** above." Claim 27 recites limitations corresponding to claim 1 and is therefore patentable for the same reasons as claim 1.

In paragraph 19 the Examiner also rejected claims 28-33. Claims 28-33, depending either directly or indirectly from claim 27, are patentable for at least the same reasons as claim 27.

In paragraph 18 (an erroneous second paragraph 18) the Examiner rejected claims 34-37. Claims 34-37, depending either directly or indirectly from claim 27, are patentable for at least the same reasons as claim 27.

In paragraph 19 (an erroneous second paragraph 19) the Examiner rejected claim 38. Claim 38, depending from claim 27, is patentable for at least the same reasons as claim 27.

In paragraph 20 the Examiner rejected claim 39. Claim 39, depending from claim 27, is patentable for at least the same reasons as claim 27.

In paragraph 21 the Examiner combined *Czarnik* and *Madison* to reject claim 40. For clarity, claim 40 is being amended and recites in relevant part: "locating a downloadable unit which corresponds to the request and is embedded in the binary file; extracting the downloadable unit from the binary file . . . ." *Madison's* cited passage that "[a]fter receiving the resource information web browser 30 then requests the code for a user interface application 32, and web server 44 accesses the code stored on its local disk and sends it to web browser 30," does not teach or make obvious that resource application 46 is embedded in the binary of interface application, or as claimed, "a downloadable unit . . . is embedded in the binary file." Because a downloadable unit is not embedded in a binary file, the combination relying on *Madison* cannot make obvious "extracting the downloadable unit from the binary file."

Based on the above-discussed differences from *Madison* and *Czarnik*, taken either alone or in combination, claim 40 is patentable.

In paragraph 21 the Examiner also rejected claims 41-43. Claim 41-43 recite limitations corresponding to claim 41 and are therefore patentable for the same reasons.

In paragraph 22 the Examiner combined *Czarnik* and *Madison* to reject claim 44. Claim 44 in relevant part recites: "retrieving a software program binary file having an embedded old downloadable unit." The Examiner's reference to *Madison* that "FIGS. 5-8 and 12 show other types of windows that can be accessed depending on the particular user interface application 32 and the resource information" does not teach or make obvious "a program binary file *having an embedded old downloadable unit*" (emphasis added). Therefore, claim 44 is patentable.

In paragraph 23 the Examiner rejected claim 45. Claim 45, depending from claim 13, is patentable for at least the same reasons as claim 13.

Claim 46 is being amended to correct a typographical error. Claim 46, depending from claim 13, is patentable for at least the same reasons as claim 13.

SUMMARY

In conclusion, Applicant respectfully submits that pending claims 1-46

clearly present subject matter that is patentable over the prior art of record and

therefore requests that the Examiner withdraw the rejections of the pending

claims and pass the application to issue. If the Examiner has questions regarding

this case, the Examiner is invited to contact Applicant' undersigned attorney.

Respectfully submitted,

Richard W. Pratt

Date: _8/10/99_   By: _____
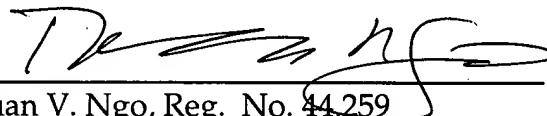
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